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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,242	03/02/1999	GERHARD NIEDERMAIR	P990100	6701

21171 7590 12/05/2006

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/254,242

Applicant(s)

NIEDERMAIR ET AL.

Examiner

Michael N. Opsasnick

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because of informal drawing labels and descriptions. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Vysotsky et al (5719921) in view of Watts et al (5581600).

As per claim 11, Vysotsky et al (5719921) teaches:

“A speech processing system comprising:....different types of speech output” as containing multiple speech recognizer arrays (Fig. 1, subblocks 126,128), each speech recognizer array containing parallel voice recognition units (Fig. 2a, subblock 204,206, 208) and DTMF recognizer (Fig. 2a, subblock 202); wherein the voice recognition units perform differing parallel recognition functions (as detailed in Fig. 2b);

“a selector.....is routed” as the initial arbitration is the selector (Fig. 4, subblock 40), deciding whether or not to use speaker dependent or speaker independent information, prompting for more input, plus voice verification (fig. 4, subblock 406; col. 9 line 59 – col. 10 line 65).

Vysotsky et al (5719921) teaches choosing between speaker dependent/independent models, however, Vysotsky et al (5719921) does not explicitly teach non-parallel processing of the speech signals. Watts et al (5581600) teaches the concept of choosing the required speech

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functions (speech recognition, speaker recognition, and speech synthesis), via the speech application program selector, based on the input, (Watts et al (5581600), col. 7 lines 40-45; col. 7 lines 55-65; wherein the selection is performed using the information from the speech operation tables – col. 23 lines 20-30) . Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to incorporate the recognition algorithms of Vysotsky et al (5719921) into the structure of Watts et al (5581600) because it would advantageously allow for separate speech functions to be fulfilled based upon the user input, and perform the task in an efficient manner (Watts et al (5581600), col. 23 lines 55-65; col. 24 lines 50-66).

As per claim 12, the combination of Vysotsky et al (5719921) in view of Watts et al (5581600) teaches:

“a speech processing system as claimed in claim 11, ....routed” as routing a  $c2+n1$  condition to a Y/N decision; or a C1 condition to the feature activation; or N1 candidate (Vysotsky et al (5719921), Fig. 4).

As per claim 13, the combination of Vysotsky et al (5719921) in view of Watts et al (5581600) teaches:

“a speech processing system as claimed in claim 11 wherein a group of speech recognition module.....pre-processing module” as pre-processing speech module (Vysotsky et al (5719921), Fig. 4, subblock 402).

As per claim 14, the combination of Vysotsky et al (5719921) in view of Watts et al (5581600) teaches:

“a speech processing system as claimed in claim 11....module” as multiple post-processing (Vysotsky et al (5719921), (Y/N decision, fig. 4, subblock 418; second post processing arbitration, fig. 4, subblock c1; or voice verification post processing, fig. 4, subblock 416,428).

As per claims 15,16, the combination of Vysotsky et al (5719921) in view of Watts et al (5581600) teaches:

“a speech processing system.....and a user” as controlling a prompt for additional speech input (Vysotsky et al (5719921), Fig. 4, subblock 420,422,423,408,410).

As per claim 17, the combination of Vysotsky et al (5719921) in view of Watts et al (5581600) teaches:

“a speech processing as claimed in claim 11 wherein said plurality.....DTMF recognition” as using various speech recognition capabilities, such as dependent words (Vysotsky et al (5719921), col. 2 lines 5-12, col. 2 lines 39-44); speaker independent words and phrases (col. 2 lines 31-37), DTMF tone detections (col. 2 lines 25-30); and performing speech commands (col. 6 lines 34-66).

As per claim 18, the combination of Vysotsky et al (5719921) in view of Watts et al (5581600) teaches:

“a speech processing system.....tones” as the speech arbitration of Vysotsky et al (5719921), Fig. 4, subblock 406 determines differing types of output, as example – fig. 4, subblock 424 determines that the call was completed (or completed dialing), Fig. 4, subblock 426 deals with feature activation (command recognition, as shown in col. 6 lines 45-65, which induces DTMF output – the ‘repeated dialing’ feature), and a voice verification process (fig. 4, subblock 416).

Claims 19-21 are method claims whose step are performed in the apparatus claims of claims 11-18; these method claims are similar in scope and content compared to the apparatus claims of 11-18, and are therefore rejected under the same rationale as presented against claims 11-18.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 11-21 have been considered but are moot in view of the new ground(s) of rejection. Examiner notes the application of the Watts reference to the newly amended claim language pertaining to switching between speech modules without parallel processing, as well as speech synthesized output.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

11/30/2006



Michael N. Opsasnick  
Examiner  
Art Unit 2626